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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,076	04/15/2002	Ryuji Ishiguro	SONYJP-162	5577
530	7590	02/17/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			LIPMAN, JACOB	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/009,076

Applicant(s)

ISHIGURO ET AL.

Examiner

Jacob Lipman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/3/01 &amp; 8/19/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The examiner has considered the information disclosure statements (IDSs) submitted on 3 December 2001 and 19 August 2004. In the latter, no new art was disclosed.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 12, 26, and 32 recite the limitation "capable of being used only in not less than one device selected". This limitation is unclear and does not seem to add any meaning to the claim.

Claims 1, 12, and 33 further use the word "peculiar" instead of "particular". The examiner will examine the claims as if they states "particular", since the work "peculiar" would leave the claims indefinite. Applicant is further require to check for any other such errors.

Claims 1 and 32 recite the limitation "said individual device". There is insufficient antecedent basis for this limitation in the claims.

Claims 21, 25, 26, and 31 recite the limitation "the node keys". There is insufficient antecedent basis for this limitation in the claims.

Claim 33 recites the limitation "the different key sets". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-33, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Maruyama, in JP 11-187013-A. Citations of Maruyama in this rejection will be taken from the English translation provided.

With regard to claims 1, 12, 20, 21, 26, 32, and 33, Maruyama discloses an information processing system for distributing encrypted message data capable of being used only in not less than one device selected (pages 20-21 par. [0020]), said individual device including, encryption processing means for holding a different key set of a node

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key particular to each node in a hierarchical tree structure with a plurality of different devices as leaves and a leaf key peculiar to each device (pages 14-15 par. [0011]) and executing decrypting process on said encrypted message data distributed to a device using said key set (pages 20-21 par. [0020]), wherein a message data distributing means generates a renewal node key (page 21 par. [0021]) into which at least one of the node keys in a group constituted by nodes and leaves connected at subordinate of a top node which is one node of the hierarchical tree structure (pages 14-15 par. [0011]) is renewed and an enabling key block (EKB) into which said renewal node key is encrypted with a node key or a leaf key in said group (pages 20-21 par. [0020]), and generating and distributing a message data encrypted with said renewal node key (content, pages 20-21 par. [0020]).

With regard to claims 2, 13 and 25, the key must be decrypted in order to view the content (pages 20-21 par. [0020]).

With regard to claims 3-6, 14-17, 22-24, and 27-31, the key block is a message data decrypted with the last key block sent (page 4 step 740, page 19 par. [0018]).

With regard to claims 7 and 18, Maruyama discloses using the key to view encrypted content (pages 20-21 par. [0020]).

With regard to claims 8 and 19, Maruyama discloses encrypting with each users public key, which is authentication (pages 18-19 par. [0017]).

With regard to claim 9, Maruyama discloses an intermediate device (the Internet, page 1 par. [0001]).

With regard to claims 10 and 11, Maruyama discloses sending the renewed key to devices that receive broadcasted content (pages 20-21 par. [0020]) and a subgroup of devices that have not seceded (pages 21 par. [0021]).

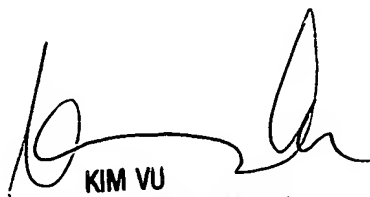
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
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